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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the second periodic report of Kazakhstan*

I. General information

1. Please provide examples of cases in which the Covenant has been invoked in, or applied by, domestic courts. In this context, please provide information on the impact of the 2017 constitutional reforms on the status of the Covenant in the State party's legal order and its standing in domestic courts. Please also provide information on the efforts made to assess human rights training, including training on the Covenant, and their impact on raising awareness about the Covenant among the judiciary, lawyers, law enforcement officials, State and municipal administrations, as well as rights-holders and the civil society.

2. Please provide more information on the effectiveness of the various anti-corruption measures adopted during the review period and their impact on the enjoyment of economic, social and cultural rights, such as the Anti-Corruption Act (amended) 2015, the Anti-Corruption Strategy (2015–2025), and the creation of the Agency for Civil Service Affairs and Anti-Corruption. Please provide statistical data on the number of complaints concerning the negative impact of corruption on economic, social and cultural rights that have been lodged in the last five years and on the investigations conducted and their outcomes, including prosecution and punishment of perpetrators.

3. Please update the Committee on the outcomes of communications received by the Ombudsperson concerning violations of economic, social and cultural rights, and elaborate on the corrective actions taken by the Ombudsperson aimed at providing victims with effective remedies.

4. Please provide information on the existing regulatory framework to ensure that private companies respect economic, social and cultural rights throughout their operations, including the application of human rights due diligence. Please also provide data on cases brought by persons affected by such operations and on the remedies provided to them.

5. Please provide information on the policies adopted by the State party to protect the environment, in particular countering air pollution, and to enforce environmental legislation. Please also provide information on how the State party plans to reduce the adverse impact of fossil fuels extraction and consumption, in particular coal and oil, on economic, social and cultural rights, including on the health of local communities, and the climate-related impact in the State party and in other countries.

* Adopted by the pre-sessional working group at its sixty-second session (3–6 April 2018).

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II. Issues relating to general provisions of the Covenant (arts. 1–5)

Maximum of available resources (art. 2 (2))

6. In order to assess if the State party is using its maximum available resources to realize Covenant rights, please provide information on the evolution, since the State party's previous report, of:

(a) The proportion of people below the poverty line, as defined at the national level and the levels of inequality, preferably defined as the ratio of the total income of the richest decile of the population to the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) Rates of tax levied on corporate profits and personal incomes and of value added tax (exclusive of rates on luxury items, tobacco/alcohol, sugary drinks/snacks and fuel) and the percentage of the total revenue from personal income taxes that is collected from the richest decile of the population;

(d) Public expenses as a percentage of gross domestic product and the proportion of total public expenditure that is dedicated to social spending (education, food, health, water, sanitation, housing and social security);

(e) Inflation-adjusted absolute levels of social spending.

Non-discrimination (art. 2 (2))

7. Please provide information on the measures taken to prevent discrimination on grounds of sexual orientation or gender identity and to extend protection to those who might be exposed to discrimination on such grounds. Please also provide detailed information on investigations launched into reported attacks or harassment against lesbian, gay, bisexual and transgender persons and the judgments in the relevant court cases.

8. Please provide detailed information on the impact of measures taken to combat discrimination against persons with disabilities. In this context, please explain how the respective legislative framework adopted in 2015 and the national action plan (2012–2018) have in reality enhanced the enjoyment of economic, social and cultural rights by persons with disabilities.

9. Please indicate the measures taken, including with respect to their impact, to prevent and combat discrimination against migrants, notably migrant workers, irrespective of their migratory status, asylum seekers, refugees and failed refugee claimants in access to employment, social security, education and health care. Please provide information on the steps taken to ensure that access to public services is denied for lack of residence registration.

Equal rights of men and women (art. 3)

10. Please provide detailed information on the impact of the measures taken to achieve substantive gender equality in the State party, including by changing the traditional perception of the roles and responsibilities of women and men in the family and in society. Please indicate if and how temporary special measures have been used to increase the representation of women in senior and decision-making positions in the private and public sectors.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

11. Please provide updated statistical data on unemployment rates disaggregated by sex, age, disability, ethnic origin and rural/urban distribution. Please also provide information on the measures taken, and their impact, to increase employment opportunities among disadvantaged and marginalized groups and individuals, including non-ethnic Kazakh people from lower socioeconomic backgrounds, persons with disabilities and lesbian, gay, bisexual and transgender persons.

12. Please explain the remaining obstacles to revising the legal prohibition on the employment of women in certain professions and types of work.

Right to just and favourable conditions of work (art. 7)

13. Please indicate the measures taken, including with respect to their results, to address the persistence of the gender wage gap. In particular, please explain how successful the (2015) Labour Code provision on equal payment for work of equal value has been in reducing gender wage disparities.

14. Please provide updated information on the extent of the informal economy in the State party, including employment disaggregated by sex, age, ethnic origin and rural/urban distribution, as well as on the steps taken to regularize the status of workers engaged in the informal economy. Please also provide information on the labour and social protection of workers employed in the informal economy.

15. Please provide information on the measures taken to address the economic exploitation of migrant workers, who appear to be more vulnerable to rights violations, including being forced to work without contracts, for long hours and for low salaries. Please also provide information on the frequency and coverage of labour inspections, especially in the plantation and agricultural sectors. Moreover, please provide updated statistical data, covering the years 2016 and 2017, on the steps taken to punish exploitative employers and to provide effective remedies to victims.

Trade union rights (art. 8)

16. Please provide information on the steps taken to address the difficulties faced by trade unions in their registration and on the measures adopted to ensure that they can determine their own structures without interference. Please also provide information on the measures taken to protect union members from harassment, threats and intimidation by employers, public and municipal authorities and the Committee on National Security.

17. Please provide information on the measures taken to revise provisions of the labour law that broadly outlaw strikes and the substantive criteria for declaring a strike illegal. Please also provide information on whether the State party is considering revising the legal provisions that impose criminal sanctions on those participating in a strike that has been declared illegal.

Right to social security (art. 9)

18. Please provide information on how the measures taken by the State party have resulted in extending social security coverage to all persons, including self-employed workers. Please also provide updated information on the steps taken to increase the levels of basic and minimum pensions to guarantee an adequate standard of living for pensioners and their families.

Protection of the family and children (art. 10)

19. Please provide statistical data on the extent of human trafficking in the State party disaggregated by sex, age and ethnic origin, as well as information on the number of prosecutions, convictions and sanctions handed down under section 128 of the Criminal

Code. Please explain whether the recent legislative amendments on domestic violence complied with the Committee's previous recommendation to protect victims and criminalize domestic violence.

20. Please provide detailed information on the effectiveness of the measures taken to combat child labour; in particular, please provide statistical data covering the past five years on the number of children withdrawn from plantation industries and on the number of investigations launched into incidents of illegal child labour and their outcomes. Please also provide information on the measures taken to increase the number of districts in the State party that have signed the memorandum of cooperation aimed at the prevention of the worst forms of child labour.

Right to an adequate standard of living (art. 11)

21. Please provide information on how the measures taken by the State party ensure that disadvantaged and marginalized groups and individuals, such as migrant workers and persons living in rural areas, are prioritized in the course of designing and implementing housing programmes and projects. Please also provide information on the availability of social housing and to what extent it covers the existing needs. Moreover, please provide information on the efforts, including with respect to their impact, to increase accessibility to clean drinking water and sanitation in rural areas.

22. Please provide information on the steps taken to bring legislation on forced evictions into compliance with international standards. Please also provide information on existing mechanisms to ensure that persons affected by forced evictions are provided with alternative housing and/or adequate compensation.

Right to physical and mental health (art. 12)

23. Please provide updated information on the results of the review of the conformity of the mental health policy and legislation with international standards, as previously recommended by the Committee. Please also provide information on the measures taken to protect the rights of persons placed in closed institutions, including on the availability of oversight and complaints mechanisms and regular reviews of placements in such institutions.

24. Please provide updated information on the impact of the measures taken to ensure adequate access to health care (including to technologically advanced treatment) by persons with HIV/AIDS or hepatitis C, including those held in detention facilities. Please also provide information on the measures taken to remove practical obstacles faced by lesbian, gay, bisexual and transgender persons in access to health-care services, due to stereotyping and prejudices, including among medical personnel.

25. Please provide information on the measures taken to ensure access to quality sexual and reproductive health services and counselling, including for adolescents and persons in rural areas. Please also provide information on the measures taken to ensure the accessibility, availability and affordability of contraceptives for women, particularly women living in rural areas.

26. Please indicate how successful the measures taken by the State party have been in combating the inflow and preventing the consumption of illicit drugs, such as cannabis and opiates. Please also provide information about the measures taken to improve the treatment and rehabilitation services for drug users, including through the provision of opioid substitution therapy.

Right to education (arts. 13–14)

27. Please provide statistical data, disaggregated by sex, age, ethnic origin and rural/urban distribution, on access to inclusive education by children with disabilities. Please provide information on the measures taken to ensure access to education by children of migrant workers, irrespective of their migratory status, asylum seekers and refugees.

28. Please provide information on the measures taken to improve the quality of education, including the availability of qualified teachers, and on the steps taken to invest in school infrastructure, especially in rural areas.

Cultural rights (art. 15)

29. Please indicate the measures implemented to promote and facilitate access to the Internet and to cultural activities, particularly in rural areas.

30. Please provide information on the legal framework in place for scientific research in the State party in line with the right of all individuals to enjoy the benefits of scientific progress, including in areas such as human embryonic stem cell research. Please also provide information on the current regulations in place to ensure that assisted reproductive technologies are available to all without discrimination.